

ORDINANCE NO. 10, 2015 SERIES
AN ORDINANCE REZONING PROPERTY

AN ORDINANCE REZONING PROPERTY from Residential %Cö District . %RCö to Limited Commercial District . %CLö for a .293-acre parcel of property located at 107 Lyons Drive and a .292-acre parcel of property located at 106 Lincoln Drive, and a Zone Map Amendment from Highway Commercial . %CHö to Limited Commercial District . %CLö for a .65-acre parcel of property located at 289 Versailles Road, Frankfort, Kentucky; and being more specifically described as PVA Map #s 085-22-03-017.00, #085-22-03-020.00 and 085-22-03-018.00.

WHEREAS, On May 21, 2015, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed and the item was tabled in order for a summary of the testimony to be prepared. On June 11, 2015, the Planning Commission removed the item from the table, adopted the summary, then approved and adopted eight (8) findings of fact, and then a motion to recommend approval of a zone map amendment based on findings of facts #2 through #7 was made. The motion passed by a vote of 5-4.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY,

That the parcels of property referred to as a .293-acre parcel of property located at 107 Lyons Drive; a .292-acre parcel of property located at 106 Lincoln Drive; and a .65-acre parcel of property located at 289 Versailles Road, Frankfort, KY.; and more specifically described as part of PVA Map #s 085-22-03-017.00, #085-22-03-020.00 and 085-22-03-018.00, being more particularly described in the legal description attached hereto, copy on file in the Office of the City Clerk, is hereby rezoned from Residential %Cö District . %RCö and Highway Commercial . %CHö to Limited Commercial District . %CLö;

Effective Date: This ordinance shall take effect upon the closing of the subject properties by All Points Development LLC.

First reading on the 22nd day of June, 2015.
Final adoption on the 27th day of July, 2015.

S/William I. May Jr.
T/Mayor

Attest:
S/Chermie Maxwell
T/City Clerk

SUMMARY

This ordinance approves a zone map amendment from Residential %Cö District . %RCö to Limited Commercial District . %CLö for a .293-acre parcel of property located at 107 Lyons Drive and a .292-acre parcel of property located at 106 Lincoln Drive, and a Zone Map Amendment from Highway Commercial . %CHö to Limited Commercial District . %CLö for a .65-acre parcel of property located at 289 Versailles Road., and being more particularly described in the legal description attached hereto, copy on file in the Office of the City Clerk.

S/Robert C. Moore
T/City Solicitor

LEGAL DESCRIPTION: from Residential öCö District ö öRCö to Limited Commercial District ö öCLö for a .293-acre parcel of property located at 107 Lyons Drive and a .292-acre parcel of property located at 106 Lincoln Drive, and a Zone Map Amendment from Highway Commercial ö öCHö to Limited Commercial District ö öCLö for a .65-acre parcel of property located at 289 Versailles Road.

Published by summary August 7, 2015

106 Lincoln Drive Parcel 085-22-03-020.00 Legal Description

BEING Lot No. 76 as shown upon the plat or map of **Franklin Heights Subdivision**, Franklin County, Kentucky as shown upon the plat of said subdivision, which plat is recorded in the Office of the Franklin County Court Clerk in **Deed Book 90, page 278** to which plat reference is now made for a more particular description of the property conveyed herein.

107 Lyons Drive Parcel 085-22-03-017.00 Legal Description

Known as 107 Lyons Drive, Frankfort, Kentucky and **BEING** the plat or map of **Franklin Heights Subdivision**, Franklin County, Kentucky as shown upon the plat of said subdivision, which plat is mapped by J.G. Harrod. Said map being recorded in the office of the City Clerk in **Deed Book 90, page 278** and to which map reference is hereof for a more particular description of the property herein in the front and fronting on Lyons Drive and being 146 feet deep on the South side and 82 feet wide in the rear.

TRACT II - PARCEL NO. 085-22-03-018.00

A certain tract of land located in Franklin County, Kentucky, on (Versailles Road) (East Main Street) and on the south side of Lincoln Drive, being Lot No. 77 of Franklin Heights Subdivision, as shown on the plat of said subdivision, which plat is recorded in the Office of the Franklin County Court Clerk in **Deed Book 90, Pages 278-283** in the Office of the Franklin County Court Clerk in **Deed Book 90, Page 278** and to which map reference is hereof for a more particular description of the property herein in the front and fronting on Lyons Drive and being 146 feet deep on the South side and 82 feet wide in the rear.

Beginning at an existing iron pin in the right of way line of U.S. 60 in the northeast corner of Lot 78, said point being North 22 degrees 49' 00" West 142 feet to a set iron pin in the south right of way line of Lyons Drive for the following 2 calls, South 25 degrees 21' 18" East 65.00 feet (original North 59 degrees 21' East 66.60 feet (original call South 22 degrees 49' East 126.02 feet beginning. Containing 0.296 acre according to a survey and being subject to all rights of record and in existence.

Being the same property conveyed to Swifty Oil Co., Inc., an Indiana corporation, from Randy D. Tillett and Elizabeth R. Tillett, his wife and Michael M. Roshan and Betty S. Roshan, his wife, by Deed dated December 22, 1988, of record in Deed Book 357, Page 499 in the Franklin County Clerk's Office.

Exhibit "A"

TRACT I - PARCEL NO. 085-22-03-019.00

Being all of Lot Number Seventy-Eight (78) as shown upon the map or plat of Franklin County Heights Subdivision, Franklin County, Kentucky, and mapped by J.F. Harrod. Said map or plat being recorded in the Office of the Franklin County Court Clerk in **Deed Book No. 90, Page No. 278** and to which plat reference is now made as a part hereof for a more particular description of the property herein conveyed.

The above described property INCLUDES THE EASEMENT of fifteen feet (15') in width lying along and adjacent to the northeast boundary of the above described Lot, and extending from front to rear for a distance of ninety feet (90') for purposes of ingress and egress onto Lot 78 of Franklin Heights Subdivision owned by Grantors and lying immediately northeast of the above described property in Deed Book 311, Page 247, Franklin County Clerk's Office.

There is EXCEPTED from the above described property that portion of said lot conveyed by Betty M. Durrett, to Commonwealth of Kentucky, by Deed dated January 31, 1952, and of record in Right-of-Way Book 1, Page 411 in the Franklin County Clerk's Office.

Said Lot is conveyed SUBJECT to an Easement for sanitary sewers conveyed by Betty Durrett, to the City of Frankfort, Kentucky, by Instrument dated May 21, 1956, of record in Deed Book 145, Page 417 in the Franklin County Clerk's Office.

There is EXCEPTED from the foregoing tract that parcel of land conveyed to the Commonwealth of Kentucky, Department of Highways by Deed dated March 21, 1972, of record in Deed Book 241, Page 54, Franklin County Clerk's Office, and more particularly described as follows:

Beginning at a point in the centerline of existing U.S. 60 with intersection of the northwest property line, said point being Station 93 + 27.50 of the proposed U.S. 60 centerline; thence with the centerline of the existing U.S. 60, South 22 degrees 49' 00" East to a point at the intersection of the centerline of Lincoln Drive, said point being Station 94 + 83.80 of the proposed U.S. centerline; thence with the centerline of Lincoln Drive, South 59 degrees 24' 00" West to a point, 73.00 feet right of and opposite centerline Station 94 + 94.00; thence in a northwesterly direction to a point, said point being 70.00 feet right of land and opposite the proposed centerline Station 94 + 71.40; thence with the proposed right of way North 21 degrees 11' 18" East, 36.70 feet to a point, said point being 44.50 feet right of and opposite the proposed centerline Station 94 + 45.00; thence with the proposed right of way line, North 22 degrees 49' 00" West, 112.08 feet to a point in the northwest property line; said point being 44.50 feet right of and opposite the proposed centerline Station 93 + 32.92; thence with the northwest property line, North 59 degrees 21' 00" East to the point of beginning.

